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TAGS: [PREL PHUM KPAO LY BU](#)

SUBJECT: BULGARIAN NURSES IN LIBYA: MFA PESSIMISTIC ON EVE
OF COURT DECISION, SEEKS COORDINATED RESPONSE

CLASSIFIED BY: POL-ECON COUNSELOR BRAD FREDEN, REASONS 1.4(B) AND (D).

11. (U) THIS IS AN ACTION REQUEST; PLEASE SEE PARA 7.

12. (C) SUMMARY. DEPUTY FOREIGN MINISTER FAIM CHAUSHEV TOLD US JULY 9 THAT HE NOW EXPECTS A SIGNIFICANT DELAY BETWEEN THE ANNOUNCEMENT THIS WEEK OF THE LIBYAN SUPREME COURT'S DECISION TO UPHOLD THE DEATH SENTENCES AGAINST THE BULGARIAN NURSES AND THE EXPECTED MEETING OF LIBYA'S SUPREME JUDICIAL COUNCIL (SJC), WHICH HAS THE POWER TO RELEASE THE NURSES. ANY SIGNIFICANT DELAY BETWEEN THE COURTS DECISION AND THE SJC MEETING WILL LIKELY LEAD TO ANOTHER ROUND OF LIBYA-BASHING IN THE BULGARIAN PRESS AND PARLIAMENT DESPITE THE MFA'S EFFORTS TO MODERATE THE TONE OF THE GOVERNMENT'S RESPONSE. CHAUSHEV ASKS THAT THE U.S. ISSUE A BALANCED STATEMENT FOLLOWING THE EXPECTED DECISION. IN OUR VIEW, THIS STATEMENT SHOULD EMPHASIZE THAT THE COURT'S RULING CLEARS THE WAY FOR A POLITICAL SOLUTION TO THE CASE, CALL ON LIBYA TO RELEASE THE NURSES, AND EXPRESS SYMPATHY FOR THE AIDS VICTIMS IN BENGHAZI. THE GOB HOPES THAT ITS PARTNERS IN WASHINGTON AND BRUSSELS WILL ALSO USE THE OCCASION TO RENEW PRIVATE PRESSURE ON LIBYA TO RELEASE THE NURSES. END SUMMARY.

13. (C) CHAUSHEV IS "99 PERCENT CERTAIN" THAT THE COURT WILL REAFFIRM THE NURSES' DEATH SENTENCE WHEN IT MEETS ON JULY 11. ACCORDING TO A PLAN SCRIPTED BY THE MFA AND THE OFFICE OF EUROPEAN COMMISSIONER BENITA FERRERO-WALDNER -- AND REPORTEDLY ENDORSED BY LIBYAN NEGOTIATOR ABDUL ATI AL-OBEIDI -- LIBYAS SUPREME JUDICIAL COUNCIL WAS TO HAVE MET WITHIN 24 HOURS OF THE COURTS DECISION, REDUCED THE NURSES' SENTENCES, AND THEREBY OPENED THE WAY FOR THEIR RETURN TO BULGARIA UNDER THE TERMS OF THE EXISTING BILATERAL AGREEMENT ON PRISONER EXCHANGES. THE BULGARIANS HAVE MADE ALL THE NECESSARY PREPARATIONS TO REPATRIATE THEIR NATIONALS AND THE PALESTINIAN CO-DEFENDANT, EVEN GOING SO FAR AS TO ISSUE A BULGARIAN PASSPORT TO THE PALESTINIAN AND HAVING THE NURSES WAIVE ANY FUTURE CLAIMS AGAINST THE LIBYAN STATE, AS TRIPOLI DEMANDED. HOWEVER, THIS PLAN NOW APPEARS TO BE IN SERIOUS DOUBT.

14. (C) DESPITE OBEIDI'S ASSURANCES AS RECENTLY AS TEN DAYS AGO THAT THE LIBYAN GOVERNMENT WAS CLOSE TO REACHING AGREEMENT WITH THE FAMILIES OF THE AIDS VICTIMS ON A PACKAGE OF COMPENSATION AND TREATMENT, NO AGREEMENT HAS BEEN REACHED. THIS IS THE MAIN STUMBLING BLOCK AHEAD OF A MEETING OF THE SJC, ACCORDING TO CHAUSHEV. THE LIBYANS HAVE ALSO RE-DRAFTED THE ABOVE-MENTIONED CLAIMS WAIVER TO INCLUDE A STATEMENT BY THE NURSES ACCEPTING THE COURTS VERDICT AND PLEADING FOR CLEMENCY, AS WELL AS LANGUAGE AFFIRMING THE FAIRNESS OF THE LIBYAN JUDICIAL SYSTEM. THE NURSES, CHAUSHEV INSISTED, WILL NEVER SIGN A DOCUMENT ACKNOWLEDGING GUILT.

15. (C) THE LIBYANS ARE ALSO MAKING NEW POLITICAL DEMANDS,

ACCORDING TO CHAUSHEV. IN A RECENT LETTER TO THE PORTUGUESE EU PRESIDENCY AND FERRERO-WALDNER, OBEIDI ASKS THE EU TO NEGOTIATE A FREE-TRADE AGREEMENT WITH LIBYA, TO SPEED UP THE PROCESSING OF SCHENGEN VISAS FOR LIBYANS AND TO PROVIDE SCHOLARSHIPS FOR LIBYAN STUDENTS TO STUDY IN EUROPE.

16. (C) COMMENT. CHAUSHEV, TRADITIONALLY THE OFFICIAL MOST WILLING TO ACCEPT THE LIBYANS AT THEIR WORD, SPOKE TODAY OF "LOSING TRUST" IN OBEIDI. HE IS STILL ADVISING HIS POLITICAL MASTERS TO REFRAIN FROM CRITICIZING LIBYA PUBLICLY -- HE WAS ON HIS WAY TO BRIEF PRESIDENT PARVANOV WHEN WE MET HIM -- BUT PRIVATELY HE IS UNCHARACTERISTICALLY PESSIMISTIC. HE BELIEVES THE LIBYANS HAVE DECIDED TO PROLONG THE NURSES CASE IN ORDER TO SQUEEZE ADDITIONAL CONCESSIONS OUT OF BULGARIA AND THE EU. THE RESULT, HE FEARS, WILL BE A WAVE OF PUBLIC VITRIOL DIRECTED AT LIBYA BY THE BULGARIAN PRESS AND POLITICIANS, WHICH WILL SET THE NEGOTIATING PROCESS BACK ANOTHER SIX MONTHS, AS WAS THE CASE LAST DECEMBER. END COMMENT.

17. (U) ACTION REQUEST: WE ASK THE DEPARTMENT TO PROVIDE US WITH ITS DRAFT PRESS GUIDANCE TO BE SHARED WITH THE BULGARIAN MFA IN ADVANCE OF THE EXPECTED COURT DECISION ON JULY 11.
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